

REMARKS

INTRODUCTION:

In accordance with the foregoing, the Specification and claims 1, 13, 19, 27, 36 and 40 have been amended. Claims 4, 6, 16, 22, 35 and 41 have been cancelled without prejudice or disclaimer. Claims 1-3, 5, 11-15, 19-21, 25-34 and 36-42 are pending and under consideration. Claims 6, 13-15, 19-21 and 35-36 are objected to.

OBJECTION TO THE SPECIFICATION:

It is respectfully submitted that the present amendments to the Abstract overcome the objection.

ELECTION OF CLAIM 4:

Applicants affirm that the Examiner should consider claim 4.

OBJECTION TO THE DRAWINGS:

The Examiner indicates that descriptive labels should be provided in FIG. 5. Applicants respectfully traverse the objection since all of the elements of FIG. 5 are labeled with numbers (i.e., light source 10, optical path changing unit 100, etc.). If the Examiner requires additional labeling, Applicants request clarification of which features require labeling.

§102 REJECTION UNDER YAMAMOTO ET AL. (CLAIMS 1-5, 11-12, 25-34 AND 38-42):

The claims have been amended to overcome the rejections as suggested by the Examiner.

Accordingly, withdrawal of the rejection is requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 

Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 7, 2004
STAAS & HALSEY
By: Katrina Brooks
Date: September 7, 2004